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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**
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11 DAVID LEE ROBERTS,
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13 Plaintiff,

14 v.

15 COUNTY OF RIVERSIDE,
16 RIVERSIDE CTY. SHERIFF'S DEP'T,
17 RIVERSIDE CTY. SHERIFF
18 Stanley Sniff Junior in his indiv. capacity,

19 and

20 RIVERSIDE CTY. UNDERSHERIFF
21 William DiYorio in his indiv. capacity,
22
23 Defendants.
24

No. ED CV 18-00770-VBF-SP
ORDER

Adopting the R & R and
Granting the Motion to Dismiss

Dismissing With Prejudice;
Directing Entry of Judgment;

Terminating the Case (JS-6)

25 The Magistrate Judge issued a Report and Recommendation ("R&R") on
26 February 28, 2019, CM/ECF Document ("Doc") 21, which the United States Postal
27 Service returned to the Clerk's Office as undeliverable on March 15, 2019 (Doc 23,
28 docketed March 19, 2019). Petitioner has not provided an updated address and has
not filed objections to the R&R within the time allotted by Fed. R. Civ. P. 72(b).

Fed. R. Civ. P. 72(b)(3) requires de novo review only of those parts of an R&R

1 to which a party has timely objected. *See Khan v. Langford*, 2018 WL 1271204, *1
2 (C.D. Cal. Mar. 8, 2018) (citing, *inter alia*, *US v. Reyna-Tapia*, 328 F.3d 1114, 1121
3 (9th Cir. 2003) (en banc)). But the Advisory Committee Notes to Fed. R. Civ. P. 72(b)
4 recommend that when no timely objection is filed, the Court should review the R&R
5 “for clear error on the face of the record.” *Juarez*, 2016 WL 2908238 at *2 (cite
6 omitted); *accord Douglass v. USAA*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc);
7 *Benitez v. Parmer*, 654 F. App’x 502, 503 (2d Cir. 2016) (“Because Benitez thus
8 made only a general objection, the district court reviewed the 2013 R&R for clear
9 error.”) (citing, *inter alia*, Adv. Comm. Notes to 1983 Am. of Fed. R. Civ. P. 72(b)).

10 On de novo or clear-error review, the Court finds no defect of law, fact, or
11 logic in the R&R. Accordingly, the Court will accept the Magistrate Judge’s findings
12 and conclusions and implement her recommendation.

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14 ORDER

15 **The Report and Recommendation [# 21] is ADOPTED** without objection.
16 Defendants’ Fed. R. Civ. P. 12(b)(6) unopposed motion to dismiss the
17 complaint to failure to state a claim [# 15] is **GRANTED**.

18 **The complaint [#1] is DISMISSED with prejudice.**

19 As required by Fed. R. Civ. P. 58(a), judgment will be a separate document.

20 **The case SHALL BE TERMINATED and closed (JS-6).**

21 **IT IS SO ORDERED.**

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24 Dated: May 10, 2019



25 Honorable Valerie Baker Fairbank
26 Senior United States District Judge
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